

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.**

CIVIL APPLICATION No.5284 of 2005

IN

FIRST APPEAL No.1889/2006.

National Insurance Co.Ltd. ..Appellant
[Orig.Opponent No.3]

Vs.

Smt. Asha Ganpat Khengare
and Anrs. ..Respondent No.1
[Orig.Applicant No.1]

Ms. Sonal Gangwani with Mrs. H.M. Rane,
Advocate for Appellant.

Mr. M. A. Kulkarni, Advocate for
Respondent No. 1 to 6.

**CORAM: S.B.DESHMUKH,J.
DATED: 17TH AUGUST,2006.**

P.C.:-

1] Heard the learned Counsel for the
respective parties.

2] The learned Counsel for the Appellant,
submits, that claim against the original
Opponent Nos. 1 and 2 is dismissed by the
learned Commissioner for Workmen's

Compensation. However, present Appellant/Opponent is held liable for making the payment of compensation to the extent of Rs.2,21,370/-. According to the learned Counsel for the Appellant, therefore, the Award passed by the learned Commissioner under Workmen's Compensation Act is prima facie illegal.

3] The learned Counsel for Respondent No. 1 to 6 support the Judgment of the Commissioner for Workmen's Compensation. From the para 10 of the Judgment, it appears, learned Commissioner has recorded finding regarding relationship between original Opponent Nos. 1 and 2 interse and the liability of original Opponent No.3 Insurance Company for making payment of amount of compensation. In this view of the matter, in my view, case for admission of the appeal is established. However, the Appellant/Original Opponent No.3, Insurance Company has deposited entire amount of compensation with the learned Commissioner of Workmen's Compensation and hence needs to be protected during the

pendency of this Appeal.

4] In this view of the matter, Civil Application is partly allowed. Interim relief in terms of prayer clause (b) is granted. The statement made by the learned Counsel for the Appellant that entire amount of compensation is deposited with the learned Commissioner for Workmen's Compensation is accepted and taken on record. The Respondent No. 1 to 6 are permitted to make appropriate application seeking withdrawal of amount of compensation from the learned Commissioner for Workmen's Compensation, District Pune.

5] Civil Application is partly allowed and accordingly disposed of.

[S.B.DESHMUKH,J.]